

**REMARKS**

Claims 1-19 have been examined and have been rejected under 35 U.S.C. § 103(a). In addition, claim 19 has been rejected under 35 U.S.C. § 101.

**I. Rejections under 35 U.S.C. § 101**

The Examiner has rejected claim 19 under 35 U.S.C. § 101, as allegedly containing subject matter that is non-statutory. Accordingly, has amended claim 19 in a manner believed to overcome the rejection.

**II. Rejections under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 1-3, 5-9, 11-15 and 17-19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamagata et al. (U.S. Publication No. 2003/0174839) and Takae et al. (U.S. Publication No. 2002/0037714), and claims 4, 10 and 16 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamagata, Takae and Slettengren et al. (U.S. Publication No. 2002/0028674).

Applicant, however, hereby removes the Yamagata reference by perfecting the claim to foreign priority to JP 2002/295529. A certified English translation of JP 2002/295529 is enclosed. The publication date of Yamagata (i.e., September 18, 2003) is *after* the filing date of the Applicant's priority document JP 2002/295529 (i.e., October 9, 2002).

Applicant notes to the Examiner that Yamagata is prior art only as of its publication date. The Examiner cannot rely on the PCT filing date of June 25, 2002. For example, the PCT Application PCT/JP/02/06323 was published as WO03003194 in the Japanese language. Accordingly, as set forth in MPEP §706.02(f)(1), since the PCT Application was filed after November 29, 2000, and the International Application (i.e., WO03003194) was not published in English, Yamagata is prior art as of its U.S. publication date. Since Yamagata's U.S. publication date is after the filing date of Applicant's foreign priority document, as set forth above, Applicant hereby properly removes Yamagata by perfecting the claim to foreign priority.

As Yamagata is the primary reference in every rejection under 35 U.S.C. § 103(a), and is hereby removed, Applicant submits that the rejections of claims 1-19 are now moot.

### **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

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overpayments to said Deposit Account.

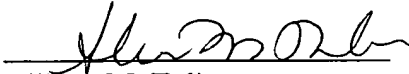
Respectfully submitted,

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